

REMARKS

I. Request for Clarification

Applicants request clarification of the restriction with respect to claims 36, 37 and 45. The Action identifies claims 36 and 37 in group I, however the claims are properly dependent on claim 28 which concerns methods for screening, identified as Group II. Thus, Applicants suggest that the claims 36 and 37 are properly part of Group II. Likewise, independent claim 45 references claims 42 which was identified as part of Group III claims drawn to “pharmaceuticals.” Because claim 45 concerns a method for the use of compounds as defined in claim 42, claim 45 should either comprise a separate restriction group or should be considered part of Group III. In view of these arguments, claims 36, 37 and 45 have been withdrawn and will be canceled if the Examiner adopts the foregoing changes to the restriction.

Applicants also request clarification regarding the characterization of the claims in Group I. The Action states that Group I claims concern “a method, process for making and one use.” However, the subject matter of the claims plainly indicates that Group concerns a product (*i.e.*, A crystal of ACE protein, claims 1-14) and a method for making the same (claims 15-27). In view of this, a clarification regarding the types of claims comprised in Group I is requested. The definition may be valuable for the Applicants and Patent Office for classifying future applications as continuation or divisionals.

II. Response to Restriction and Status of the Claims

In response to the current Requirement for Restriction, Applicants elect Group I claims. In accordance with the election, and not for reasons related to patentability, non-elected claims 28-35, 38-44 and 46-50 have been canceled. Applicants reserve the right to pursue claims concerning non-elected subject matter in future divisional applications. Claims 4, 10 and 17 have been amended to correct minor typographical errors. Also, claims 7 and 21 have been canceled and claims 6 and 20 have been amended to recite alternative limitations from the deleted claims 7 and 21. Withdrawn claims 36 and 45 have been amended to incorporate referenced subject matter from canceled claims 28 and 42, respectively.

III. Conclusion

Applicants request that the pending, elected claims be examined on their merits. Applicants also request that the Restriction requirement be clarified with respect to claims 36, 37 and 45 pursuant to the arguments above. Should the Examiner have any questions or concerns he is invited to contact the undersigned at the telephone number indicated below.

The Director is hereby authorized to charge any additional fees associated with this filing to Deposit Account No. 13-2855, under order no. 30699/41065.

Dated: October 10, 2007

Respectfully submitted,

By 
David A. Gass

Registration No.: 38,153
MARSHALL, GERSTEIN & BORUN LLP
233 S. Wacker Drive, Suite 6300
Sears Tower
Chicago, Illinois 60606-6357
(312) 474-6300
Attorney for Applicant